

EXEMPTIONS FROM HRS CHAPTER 103D

HRS §103D-102
HAR Chapter 3-120

Hawaii Revised
Statutes
HRS Chapter 103D

Hawaii
Administrative
Rules
HAR §3-120-4

Chief Procurement
Officer
HAR §3-120-5

1. For the disbursement of funds
2. Procurements from a governmental body
3. Exempt by law/statutes - HRS §103D-102
4. Expressly exempt from the requirements of 103D, HRS

1. Procurement Policy Board (PPB) determines exempt procurements
2. Exhibit of procurements that are exempt by PPB

1. CPO determines exempt procurements

SPO FORM-7

Posting of NOTICE
OF EXEMPTION,
SPO FORM-7

Action by
CPO

APPROVED:
Agency issues
contract and
posts on PRS*

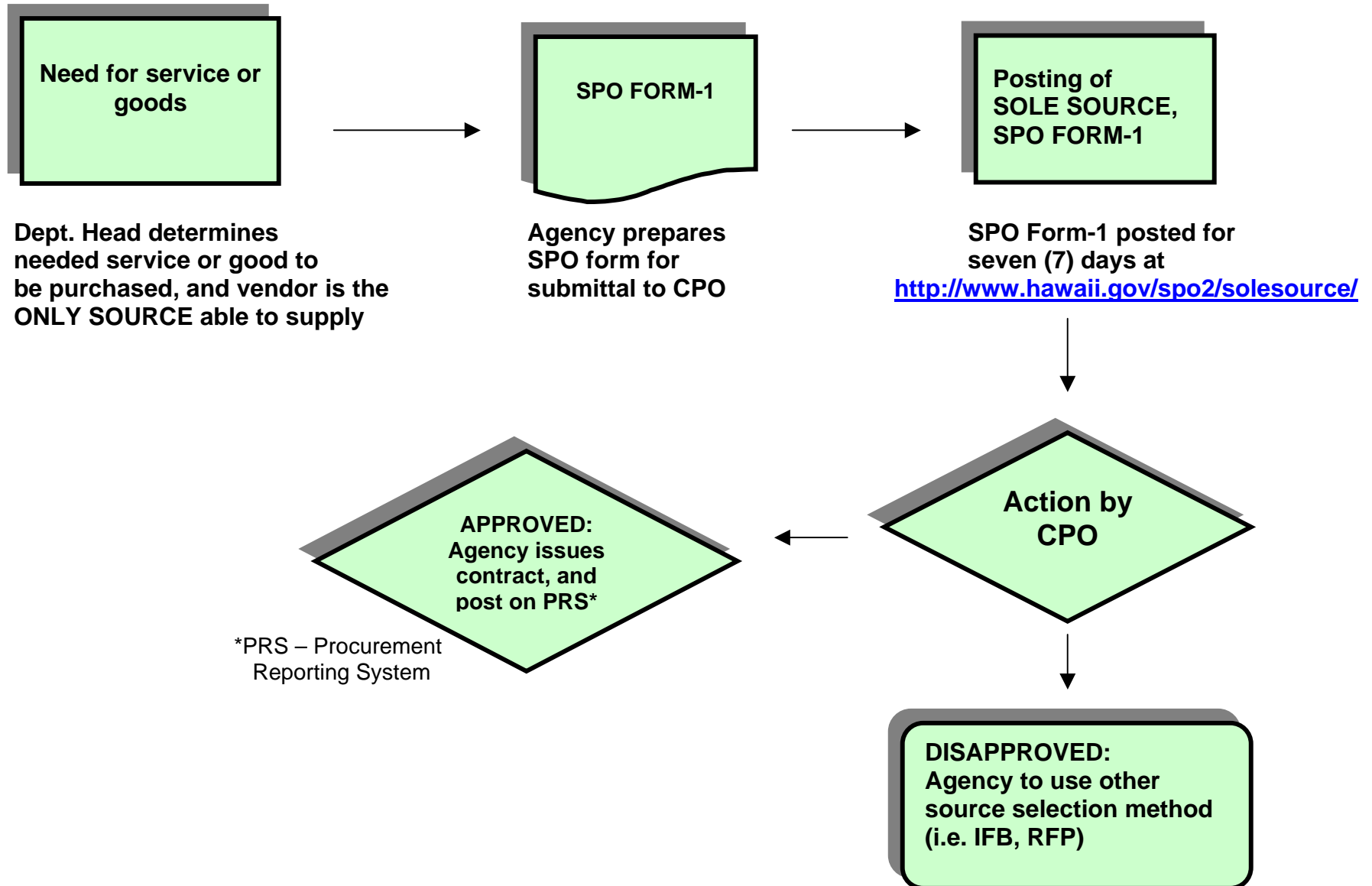
DISAPPROVED:
Agency to use other
source selection
method (i.e. IFB,
RFP)

*PRS- Procurement
Reporting System

SOLE SOURCE PROCUREMENT

HRS §103D-306

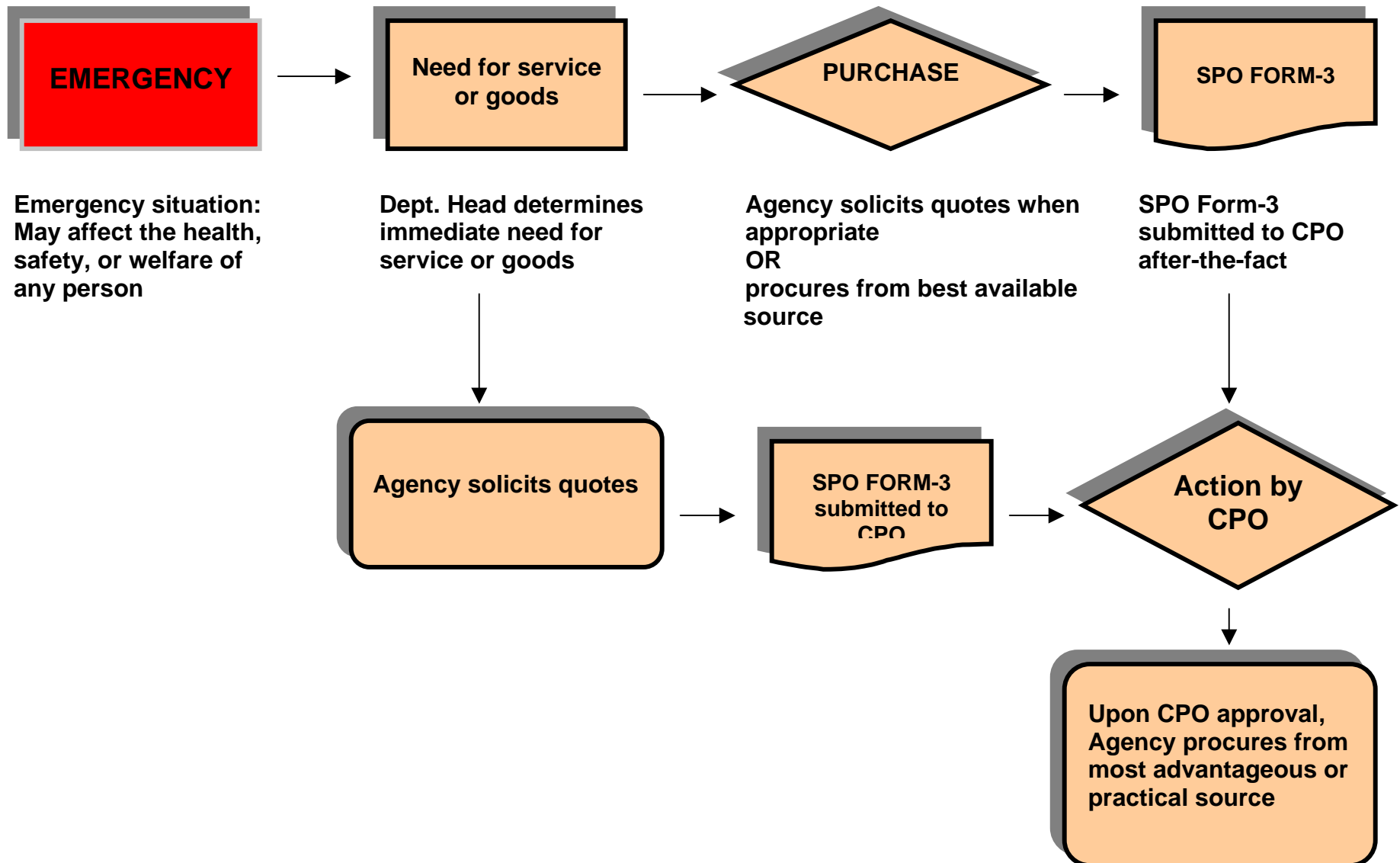
HAR Chapter 3-122, Subchapter 9



EMERGENCY PROCUREMENT

HRS §103D-307

HAR Chapter 3-122, Subchapter 10



COMPETITIVE PROCESS

- Invitation for Bids (IFB)
- Request for Proposals (RFP)

IFB

HRS §103D-302
HAR Chapter 3-122, Subchapter 5

- Detailed specifications
- Procurement Notice
- Pre-Bid conference for construction or design-build project, total est. contract \$500,000 or more
- No discussions
- Award to low bidder
- Post award on PRS*
- Protest filed within 5 working days of the posting of the award

Multi-Step IFB

HRS §103D-302
HAR §3-122-22

Combination IFB/RFP:

Step 1:

- Procurement Notice
- Unpriced technical Proposals
- Pre-Bid conference (same as IFB process)
- Discussions
- Determine acceptable proposals

Step 2:

- Award to bidder offering lowest priced acceptable proposal
- Post award on PRS*
- Protest filed within 5 working days of the posting of the award

RFP

HRS §103D-303
HAR Chapter 3-122, Subchapter 6

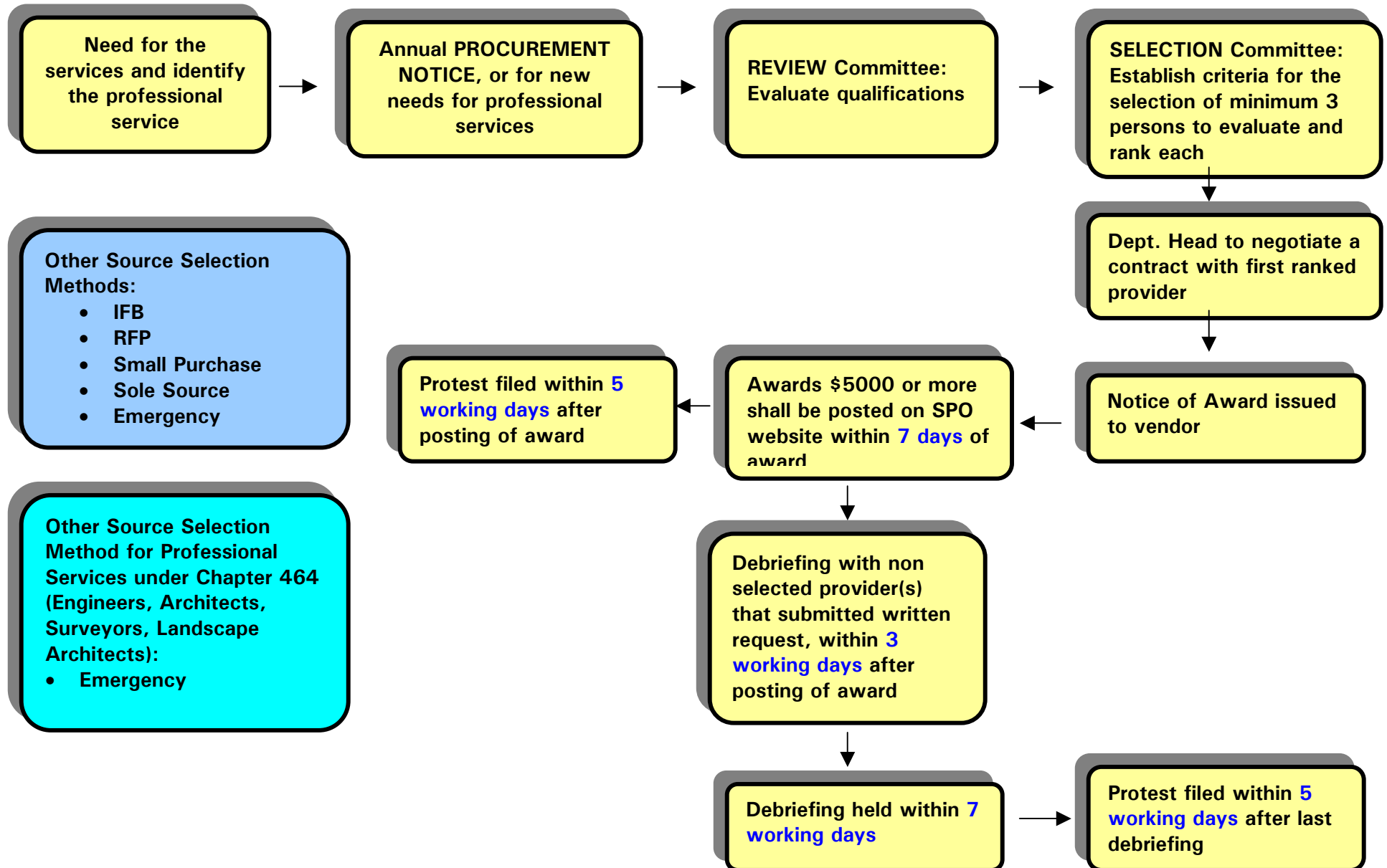
- Solution to a problem
- Procurement Notice
- Evaluations
- Discussions
- Pre-Proposal conference for construction or design-build projects, total est. contract \$100,000 or more
- Best and Final Offers (optional)
- Award based on various criteria – price may be a factor
- Post award on PRS*
- Protest filed within 5 working days of the posting of the award
- Debriefing of requesting non-selected offeror within 3 working days
- Protest filed within 5 working days after last debriefing

*PRS – Procurement Reporting System

PROFESSIONAL SERVICES

HRS §103D-304

HAR Chapter 3-122, Subchapter 7



PROFESSIONAL SERVICES

HRS §103D-304

HAR Chapter 3-122, Subchapter 7

PROCUREMENT OF PROFESSIONAL SERVICES shall be pursuant to §103D-304, or:

- Competitive sealed bids (§103D-302)
- Competitive sealed proposals (§103D-303)
- Small purchase (§103D-305)
- Sole source (§103D-306)
- Emergency (§103D-307)

Design professional services (Chapter 464) shall **only** be pursuant to §103D-304 or §103D-307.

STEP 1: Notice to providers of professional services.
Post notice on Procurement Notices System (PNS).

STEP 2 REVIEW COMMITTEE

- Minimum of three committee persons
- Shall review and evaluate all submissions
- Prepare a list of qualified persons

STEP 3 SELECTION COMMITTEE

- Minimum of three committee persons
- Utilize selection criteria in descending order of importance:
 1. Experience and professional qualifications relevant to the project type;
 2. Past performance on projects of similar scope for public agencies or private industry, including corrective actions and other responses to notices of deficiencies;
 3. Capacity to accomplish the work in the required time; and
 4. Any additional criteria as determined by the selection committee, made known to the providers.
- Evaluate the submissions.
- Conduct confidential discussions
- Rank a minimum of three providers, submit to head of the purchasing agency (HOPA)
- HOPA shall negotiate a contract with first ranked person
 1. If not able to reach agreement, negotiate with second ranked person
 2. If not able to reach agreement with any on the initial list, selection committee may be asked to submit a minimum of three additional persons for HOPA to resume negotiations
 3. Contract file shall contain all documentation to support selection.

STEP 4 AWARD

- Awards \$5000 or more shall be posted on SPO webpage within 7 days of award.

STEP 5 DEBRIEFING of non-selected provider

- Non-selected provider may submit a written request for debriefing within 3 working days after posting of award
- Agency shall conduct debriefing within 7 working days

STEP 6 PROTEST

- Shall be filed within 5 working days of the posting of the award; or
- Following a debriefing, a protest shall be filed within 5 working days

SMALL PURCHASE

HRS Section 103D-305

HAR Chapter 3-122, Subchapter 8

Goods, Services, and Construction
Under \$50,000



Under \$5,000

- » Competition is recommended
- » SPO-10 and SPO-10A are optional
- » Award to vendor offering lowest price, or best value



\$5,000 to less than \$15,000

- » Obtain minimum three quotes
- » Document: SPO-10
- » Award to vendor offering lowest price, or best value



Hawaii Electronic Procurement System (HePS)

\$15,000 to less than \$50,000



\$15,000 to less than \$25,000 **Prior to July 1, 2007**

- » Obtain minimum three written quotes
- » Document: SPO-10 and SPO-10A
- » Award to vendor offering lowest price, or best value



\$15,000 to less than \$50,000 **Effective July 1, 2007, or sooner**

- » Solicitation shall be made on HePS
- » Document: HePS Abstract of offers
- » Award to vendor offering lowest price, or best value